

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENZELL MAGIC METCALF,  
  
Plaintiff,  
  
v.  
  
VIAPATH TECHNOLOGIES  
TOUCHPAZ HOLDINGS LLC and  
GLOBAL TEL LINK CORP.,  
  
Defendants.

No. 1:24-cv-00004-KES-HBK (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
  
(Doc. 7)

Plaintiff Denzell Magic Metcalf is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 15, 2024, the assigned magistrate judge screened plaintiff's complaint, found it failed to state a cognizable claim, and granted plaintiff until March 19, 2024, to deliver an amended complaint to correctional officials for mailing. (Doc. 4.) Plaintiff timely filed a first amended complaint ("FAC"). (Doc. 5.) On April 26, 2024, the magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, because the FAC was frivolous and lacked an arguable basis in law or fact. (Doc. 7.) The findings and recommendations were served on plaintiff and contained notice that objections were to be filed

1 within fourteen days of service. (*Id.* at 8.) Plaintiff filed untimely objections to the findings and  
2 recommendations on June 20, 2024. (Doc. 8.) Plaintiff's objections fail to address the many  
3 shortcomings of his FAC as described in the findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this court has conducted a  
5 *de novo* review of the case. After carefully reviewing the entire file, the court concludes the  
6 findings and recommendations are supported by the record and proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on April 26, 2024 (Doc. 7) are  
9 adopted in full;
- 10 2. This action is dismissed as frivolous and for failure to state a claim, without  
11 further leave to amend;
- 12 3. The Clerk of the Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: July 5, 2024

  
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UNITED STATES DISTRICT JUDGE